

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:09CR27-RLV**

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	
BERNARD VON NOTHAUS	)	
_____	)	

In re: PETITION OF CHERYL MAIBUSCH

**ORDER GRANTING IN PART AND DISMISSING IN PART  
PETITION OF CHERYL MAIBUSCH**

**WHEREAS**, on November 10, 2014, the Court entered a Memorandum and Order (Doc. 270) affirming the jury's verdicts of guilty to Counts One, Two, and Three in the Superseding Bill of Indictment.

**WHEREAS**, on February 25, 2015, the Court entered the Amended (Third) Preliminary Order of Forfeiture (Doc. 297) forfeiting certain coins, metals, and other property to the United States.

**WHEREAS**, Cheryl Maibusch filed three (3) petitions (Doc. 311, 386, & 446) claiming ownership of ten (10) \$1 copper Ron Paul Dollars, three (3) \$20 one ounce silver Arrest HLMK coins, and a total of 3 13/20 ounces of silver from warehouse receipts.

**WHEREAS**, Petitioner's claims for ten (10) \$1 copper Ron Paul Dollars and a total of 3 13/20 ounces of silver from warehouse receipts are based on documentation and/or a plausible factual explanation that comports with the information known to the United States and that satisfies 21 U.S.C. § 853(n)(6), and the United States herein moves that the aforementioned portion of the Petitions be granted.

**WHEREAS**, Petitioner also claims three (3) \$20 one ounce silver Arrest HLMK coins

which the United States has represented in its Motion that it does not possess. Further, such item was not included in the Amended (Third) Preliminary Order of Forfeiture (Doc. 297; “Third Preliminary Order”) forfeiting property and conferring the right to file a Petition under 21 U.S.C. § 853(n).

**IT IS THEREFORE ORDERED THAT:**

1. The Petition of Cheryl Maibusch is granted in part, with said portion to be granted consisting of ten (10) \$1 copper Ron Paul Dollars and a total of 3 13/20 ounces of silver from warehouse receipts. This portion is granted based on information known to the United States and the Court, and which satisfies 21 U.S.C. § 853(n)(6), and;
2. The Petitioner is ordered to send the original warehouse receipts to the United States at the address:  
  
United States v. Bernard Von Nothaus  
Attn: Thomas R. Ascik  
Office of the United States Attorney  
100 Otis Street, Room 233  
Asheville, North Carolina 28801
3. The Petition of Cheryl Maibusch is dismissed in part, said portion to be dismissed consisting of the claim for three (3) \$20 one ounce silver Arrest HLMK coins, because this portion of the Petitioner’s claim is for items that were not forfeited to the United States, and therefore, pursuant to Fed. R. Crim. P. 32.2(c)(1)(A), this portion of the Petition fails to state a claim upon which relief may be granted and fails to assert standing.
4. That distribution of property by the United States to the Petitioners shall not occur until a Final Order of Forfeiture is entered by the Court.

**SO ORDERED.**

Signed: December 21, 2015

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Richard L. Voorhees  
United States District Judge

